

REMARKS**Status:**

Claims 1-23, 25-27, and 29-30 were rejected in a previous final rejection. Claims 1, 4, 8, 14, 15, 20, and 27 are amended. Claims 2,3,16, 17, 21,24, 26, and 28 are canceled.

This amendment is submitted with an RCE after filing of a Notice of Appeal, but prior to filing an Brief on Appeal.

Support for the claim amendments is found in the claims and specification as originally filed. No new matter is added.

112 Rejection:

In the Examiner's final rejection, the Examiner rejects Claim 30 under 35 USC 112 with respect to the written description requirement.

It is respectfully urged that there is support in the specification for the language of Claim 30. As noted in the prior response, Claim 29 was amended to recite a relatively flexible instrument and a relatively rigid member, and constraining motion of the distal end of the relatively flexible instrument with the relatively rigid member without substantial bending of the relatively rigid member.

Support for the relatively rigid member is found at page 9, lines 17-28, including description of a mechanism that includes a member that can be relatively rigid or relatively flexible, and the disclosure of a pivot arm that does not bend as shown in Figures 1-6.

Accordingly, it is respectfully urged that the pivot arm disclosed in Figures 1-6 provides support for a relatively rigid member for rotation about an axis fixed with respect to the distal end of the endoscope, as recited in Claim 30.

102 Rejection: Komiya:

Claims 1-8, 13-18, 20-22, 25-27, and 29 are rejected as anticipated by Komiya('624). Withdrawal of this rejection is requested for the following reasons.

Independent Claim 1, as presently amended, recites among other things, providing at least one flexible instrument, extending the instrument such that the distal end of the flexible instrument extends distally beyond the distal end of a channel, and constraining motion of the distal end of the instrument along a predetermined path at the treatment site while simultaneously restricting twisting of the flexible instrument about its longitudinal axis and permitting bending of the flexible instrument about an axis perpendicular to the the longitudinal axis.

Note that the method set forth in Claim 1 provides the advantage that the flexible instrument can bend such that the distal end can be constrained to follow a non-straight path (e.g. an arc), yet twisting of the distal end is restricted so that orientation of the distal end of the instrument can be maintained.

It is respectfully urged that Komiya '624 does not teach or suggest such a method. Instead, Komiya '624 teaches a guide tube 5 and a wire 6. It is respectfully urged that such a guide tube does not meet the limitation of Claims 1 as amended. With respect to Figure 6 of Komiya, it is respectfully urged that the distal end of the instrument 10 in Komiya does not appear to be constrained or guided after it leaves tube 5.

Additionally, with respect to Claim 1 as amended, it is respectfully urged that Figure 6 of Komiya and the associated text do not teach or suggest restricting twisting of the instrument about the longitudinal axis of the instrument. In particular, it is not seen how the tube 5 would restrict twisting of the distal end of the instrument 10 of Komiya. Nor does the distal end of the instrument 10 in Komiya appear to be constrained or controlled once it leaves the tube 5.

If the Examiner assumes that wire 6 would prevent twisting of tube 5 in making the rejection, it is respectfully urged that this is not supported by the disclosure of Komiya, especially in view of the bending of wire 6 (see Figure 3 and Figure 12 of Komiya) that takes place as the tube 5 is extended. In other words, in view of Komiya's drawings showing the wire 6 bending during operation, it is not clear how the Examiner can properly assume that the wire will prevent twisting of the tube 5 or instrument 10.

Likewise, with respect to Independent Claim 14, as amended, it is respectfully urged that Komiya does not teach advancing a first instrument from a distal end of a channel while

simultaneously restricting twisting of the flexible instrument about its longitudinal axis and permitting bending of the flexible instrument.

Further, it is respectfully urged that Komiya does not teach the above method steps in combination with the additional step of cooperating motion of the distal end of the first instrument with the distal end of a second instrument.

With respect to dependent Claim 15, it is respectfully urged that Komiya does not teach engaging first and second instruments such that the distal ends of the first and second instruments translate together and the distal ends of the first and second instruments can rotate relative to one another. The Examiner is respectfully requested to point out where Komiya discloses or suggests such a method.

With respect to Claim 20, it is respectfully urged that Komiya does not teach or suggest the steps of constraining motion of the distal end of a flexible instrument along a desired path distally of the distal end of the instrument channel as the instrument is advanced from the distal end of the instrument channel while simultaneously restricting twisting of the flexible instrument about its longitudinal axis and permitting bending of the flexible instrument about an axis perpendicular to the longitudinal axis

With respect to amended independent Claim 29, it is respectfully urged that Komiya does not teach or suggest constraining motion of the distal end of a relatively flexible instrument with a relatively rigid member (such as the pivot arm disclosed in Applicants' specification and drawings) without substantial bending of the relatively rigid member. Instead, Komiya shows wire 6 bending during operation of the device. Also, tube 5 of Komiya appears to bend in the Figures of Komiya.

In the final office action, the Examiner states that it is the Examiner's position that elements 5 and 10 can be defined as one instrument (e.g. a catheter 5 with forceps 10). Even if one adopts this position, it is respectfully urged that the Examiner has not shown how Komiya teaches constraint of the distal end of the combination of elements 5 and 10 in the manner set forth in the independent claims, as amended.

103 Rejections:

Claims 9, 10, 11, 12, 19, and 23 are rejected as obvious over Komiya in view of Sekine et al. ('753). It is respectfully urged that this rejection is overcome by the amendment to independent claims, for the reasons set forth above.

Respectfully submitted,

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